

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL

NOVEMBER 20, 2006

KENDALL-DEAN SCHOOL

6:45 P.M.

GOOD & WELFARE

School Security

Mr. William Devereaux of 30 Lincoln Drive urged the Council to make school security a priority.

Street Light Outage

Mr. Ernest Alter noted that a street light in front of his house has been out for quite some time.

PUBLIC HEARING NORTH SMITHFIELD TOWN COUNCIL

NOVEMBER 20, 2006

KENDALL-DEAN SCHOOL

7:00 P.M.

The meeting was called to order at 7:00 P.M. and began with the prayer and the pledge to the flag. Council members present were Mrs. Flaherty, Mrs. Thibault, Mr. Zwolenski and Mr. Lovett. Mr. Yazbak arrived later. Town Administrator Lowe and Town Solicitor Hadden were also present.

2ND READING ORDINANCE AMENDMENTS RE: ZONING

There were two matters that Town Planner Michael Phillips wished to discuss that were brought forth at the last public hearing. The first

was adding the 100 foot setback from wetlands. In talking with other professionals, Mr. Phillips felt the ordinance should read 50 feet rather than 100 feet given that the 50 foot setback was what the state law requires. When using a 100 foot setback there could be issues with taking of land. The second issue was the percentage of slope. North Smithfield has been using 20 percent and it was recommended to go to 15 percent. Mr. Phillips believes that the town could be in for challenges at 15 percent and Mr. Hadden concurred. The Planning Board will still have to follow DEM regulations.

Mr. Hadden addressed Section 5.5.3.1. He stated that this refers to the general overall calculation of land suitable for development. This is in contrast to where structures can be in any particular point in a development. The wetland setbacks of DEM will still apply. The 50 foot rule balances the need for protection of wetlands with not going overboard with the taking of property.

Mr. Michael Rapko noted that several Rhode Island towns have stricter buffer regulations than DEM and he encouraged the Planner to look at proper setbacks to protect the environment.

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Conservation Commission Chairman Donald Gagnon read a letter from the Woonasquatucket River Watershed Council who supports a 100-foot buffer. Valley Alliance for Smart Growth Chairwoman Caroly

Shumway also spoke in support of a 100-foot buffer. Mr. Hadden reiterated that Section 5.5.3.1 does not discuss buffers. There can be a separate regulation that would impose a certain number of feet for a buffer zone for septic systems or structures.

MOTION by Mr. Zwolenski, seconded by Mrs. Thibault, and voted unanimously on an aye vote to have the Planner draft recommendations for approval by the Planning Board at its December 7th meeting that will be subsequently advertised for a Town Council public hearing on December 18, 2006 regarding a 100-foot setback from rivers, streams and bodies of water.

Mr. Zwolenski proposed amendments to several sections of the documents.

(Mr. Yazbak arrived at 8:00 P.M.)

Planning Consultant Tony Lachowitz investigated twelve other towns to see what they were using for slope percentages and how they treat the definition of land unsuitable for development. He reiterated that the question of land unsuitable for development is used only in the context of determining the maximum number of lots allowed in a subdivision. Six of the towns did not consider slope to be a factor in buildable lots; three use 25 percent; 2 use 20 percent and 1 has 15 percent. It was Mr. Lachowitz's opinion that if you're going to use a standard, you need to be able to back it up and he believes 20 percent

could be upheld in court.

Mr. Rapko believes slopes need to be preserved at 15 percent.

MOTION by Mr. Zwolenski and seconded by Mr. Yazbak to approve the zoning amendment as presented with the added suggestions made by the Council tonight and to accept a 20 percent slope and a 100-foot setback from streams or wetlands. The motion failed 4 to 1 on a roll call vote with Mr. Zwolenski being the lone yes vote.

MOTION by Mr. Zwolenski and seconded by Mrs. Thibault and Mrs. Flaherty to include the suggested changes made earlier in the evening to the zoning amendment. The motion passed 4 to 1 on a roll call vote with Mr. Yazbak voting no.

MOTION by Mrs. Thibault and seconded by Mrs. Flaherty that, based on the recommendation of the Town Solicitor and on previous discussion that we would be crafting changes in another ordinance to include 100-foot and 150-foot buffers from wetlands and bodies of water, we pass Section 5.5.3.1 – Land Unsuitable for Development to include the following areas: a. Fresh water wetlands, including that area of land (perimeter wetland) within fifty feet (50) of the edge of any bog, marsh, swamp, or pond, as defined in the Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act, adopted pursuant to Rhode Island General Laws Section 2-1-20.1, as amended plus areas with slope in excess of

20 percent with Paragraphs b, c, d, e and g staying the same. On a roll call vote the motion passed 3 to 2 with Mr. Yazbak and Mr. Zwolenski voting no.

This constitutes the second reading of the zoning ordinance amendment.

MOTION by Mrs. Thibault, seconded by Mrs. Flaherty, and voted unanimously on an aye vote to adjourn at 8:32 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk

REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL
NOVEMBER 20, 2006

KENDALL-DEAN SCHOOL **IMMEDIATELY FOLLOWING**
PUBLIC HEARING

The meeting was called to order at 8:33 P.M. The prayer and the pledge to the flag were waived. Council members present were Mrs.

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**Flaherty, Mrs. Thibault, Mr. Yazbak, Mr. Zwolenski and Mr. Lovett.
Town Administrator Lowe and Town Solicitor Hadden were also**

present.

APPROVAL OF MINUTES

MOTION by Mrs. Thibault and seconded by Mr. Zwolenski to approve the minutes of September 18 and October 2, 5, 16 & 26, 2006 as presented.

Mr. Zwolenski had a correction on Page 48, in the fourth paragraph from the bottom. He asked that the word “unauthorizing” be changed to “prohibiting”. The motion as amended passed unanimously on an aye vote.

PAYMENT OF BILLS

MOTION by Mrs. Thibault, seconded by Mr. Zwolenski, and voted 3 to 1 (Mr. Yazbak voted no) on an aye vote to approve payment of the following: General Fund - \$1,691,282.59; Sewer - \$364,979.35 and Water - \$21,288.16 for a total of \$2,077,550.10. (Mrs. Flaherty was out of the room at the time of the vote.)

PAYMENT OF GILBANE BUILDING COMPANY REQUISITION #3

MOTION by Mr. Yazbak, seconded by Mrs. Thibault, and voted unanimously on an aye vote that, based upon the recommendation of the School Building Committee, the Finance Director and the Town Administrator, payment in the amount of \$67,940.54 be approved.

EXECUTIVE SESSION

MOTION by Mrs. Thibault, seconded by Mrs. Flaherty, and voted unanimously on an aye vote to enter into executive session at 8:35 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss the Slatersville Water System litigation and the Philip Kaczorowski lawsuit.

MOTION by Mrs. Thibault, seconded by Mrs. Flaherty, and voted unanimously on an aye vote to come out of executive session at 9:02 P.M. and to seal the minutes. No motions were made in the Kaczorowski lawsuit.

SILVER PINES WATER AGREEMENT RESOLUTION

MOTION by Mr. Yazbak and seconded by Mrs. Thibault to table this discussion to December 4, 2006. The motion failed 4 to 1 on a roll call vote. Mr. Yazbak was the lone yes vote.

MOTION by Mrs. Thibault and seconded by Mrs. Flaherty to pass this resolution of the Town council relating to the Silver Pines zone change compliance per the recommendation of the Town Administrator and with the proper form as approved by the Town Solicitor and the Trust attorney. On a roll call vote the motion passed 3 to 2 with Mr. Yazbak and Mr. Zwolenski voting no.

RESIGNATION FROM PERSONNEL BOARD – R. BOSCO

Mr. Lowe provided a letter written by Robert Bosco who resigned from the Personnel Board.

MOTION by Mrs. Flaherty, seconded by Mrs. Thibault, and voted unanimously on an aye vote to accept Mr. Bosco’s resignation and to send him a letter of thanks.

AWARD OF BID – ROAD MATERIALS

MOTION by Mr. Zwolenski, seconded by Mrs. Thibault, and voted unanimously on an aye vote to award the following to Pyne Sand & Stone Co., Inc. based on the recommendations of the Town Administrator and the Finance Director:

Washed Sand	\$11.50/ton
Processed Gravel	10.50/ton
Loam-Regular Screened	13.25/cubic yd.
Crushed Stone 3/8”	12.50/ton
Crushed Stone 3/4”	11.50/ton
Crushed Stone 1 1/2”	11.50/ton
Gravel Bank Run	7.00/ton

MOTION by Mr. Zwolenski, seconded by Mrs. Thibault, and voted unanimously on an aye vote to award the following to J. H. Lynch &

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Sons, Inc. based on the recommendations of the Town Administrator and the Finance Director:

Stone Dust	\$16.00/ton
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AWARD OF BID – FOUR OVERHEAD GARAGE DOORS AND INSTALLATION

MOTION by Mr. Zwolenski, seconded by Mrs. Thibault, and voted unanimously on an aye vote to award the bid to Woonsocket Door Sales, Inc. for the purchase and installation of four overhead garage doors at the public works facility in the amount of \$7,975.00 based upon the recommendations of the Town Administrator and the Finance Director.

AWARD OF BID - ROOF REPAIR AND INSTALLATION OF GUTTERS – NSF&RS STATION #1

MOTION by Mr. Zwolenski, seconded by Mrs. Flaherty, and voted unanimously on an aye vote to award the bid to BKB Construction in the amount of \$7,800.00 based upon the recommendation of the Finance Director.

AWARD OF BID – SEWER IMPROVEMENTS

MOTION by Mrs. Flaherty, seconded by Mrs. Thibault, and voted 4 to 1 (Mr. Yazbak voted no) on an aye vote to accept the recommendation of the Finance Director and award the bid for improvements to the Branch River, Pound Hill Road and Sharon Parkway wastewater pump stations to Eastern Piping and Engineering, Inc. in the amount of \$409,301.00. Out of that bid, \$46,046.00 for a trailer-mounted self-priming sewage pump would be deleted leaving a final bid amount of \$363,225.00.

AWARD OF BID – TRAILER-MOUNTED SEWER JETTER MACHINE
MOTION by Mrs. Flaherty and seconded by Mrs. Thibault to accept the bid of Bahr Sales, Inc. in the amount of \$43,500.00 based upon the recommendation of the Finance Director.

Mr. Yazbak questioned where the funding would come from and Mrs. Gemma responded that it is part of the operating budget of the sewer department.

The motion passed 4 to 1 (Mr. Yazbak voted no) on an aye vote.

FENCING ORDINANCE

Mr. Hadden presented a draft of a fencing ordinance.

MOTION by Mrs. Thibault, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to advertise and schedule a public hearing on this ordinance for December 18, 2006.

PARKING ORDINANCE FOR SUMMIT AVENUE

MOTION by Mrs. Thibault, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to place this on the December 18, 2006 agenda for a first reading.

ATV ORDINANCE

Mr. Hadden explained that complaints had been made regarding all

terrain vehicles and this has been a problem in the past. He presented a draft ordinance that includes provisions regarding all motorized vehicles and implementation of fines.

Councilman-elect Paul Leclerc suggested that the fines collected be used by the police department for enforcement of the ordinance, i.e. upkeep of the vehicles, overtime pay, etc.

Mrs. Gemma recommended that the fines be used to cover operating expenses first such as insurance for the town ATVs.

MOTION by Mrs. Thibault, seconded by Mrs. Flaherty, and voted unanimously on an aye vote to schedule the first reading for January 2, 2007.

RESOLUTION RE: OPEN SPACE GRANT APPLICATION

Mr. Phillips provided the following resolution authorizing submission of Rhode Island open space conservation and acquisition grants: “WHEREAS, the Department of Environmental Management has solicited applications from Rhode Island communities for acquisition of open space that will provide 50% of the funding for land acquisition; and

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WHEREAS, the North Smithfield Comprehensive Plan calls for the Town to “acquire and otherwise protect key parcels that meet criteria

for protection”; and WHEREAS, the Open Space referendum question was approved on November 7, 2006 allowing the Town to meet the matching requirements of the State Grant; and WHEREAS, a funding application has been prepared in the amount of \$204,450 for the acquisition of development rights to Assessor's Plat 11, Lot 203 and 212 owned by Elizabeth M. Cesario; and WHEREAS, a funding application has been prepared in the amount of \$151,450 for the acquisition of Assessor's Plat 8, Lot 48 owned by Christopher Keegan. NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF NORTH SMITHFIELD that the Town Administrator is authorized to submit a grant application to the Rhode Island Department of Environmental Management requesting funding in the amount of \$355,900 to acquire open space and or to acquire the development rights to open space to be held in perpetuity. Total estimated cost of acquisitions is \$711,800. This Resolution shall take effect upon passage.”

MOTION by Mr. Zwolenski, seconded by Mrs. Thibault and Mrs. Flaherty, and voted unanimously on an aye vote to pass this resolution for the acquisition of these two properties.

RADIO SURVEILLANCE CONTRACT

Water and Wastewater Superintendent Manuel Alvarez explained that a study had been done in the wastewater system regarding changing the communications systems from a phone line to radio. It was determined that using a radio would be more effective.

WASTEWATER IMPROVEMENT PROJECT BID RECOMMENDATION

This recommendation had been talked about earlier in the evening under sewer improvements.

TUPPER MILL PROJECT

Mr. Lowe explained that the City of Blackstone wanted the Town of North Smithfield to take the sewerage from the Tupperware plant that is going through the Blackstone system and charge North Smithfield for that usage from part of our quota. Blackstone officials sent a letter to the City of Woonsocket requesting that permission. Mr. Lowe has been told by the Woonsocket officials that they were not going to enter into that and it would be between the two towns. Mr. Lowe did not recommend proceeding with this.

SCHOOL BUILDING COMMITTEE

Mr. Yazbak informed the Council that at Mrs. Gemma's request he forwarded a cash flow analysis to her. The committee spent a considerable amount of time at the last meeting discussing security issues at the high school, the middle school and the elementary school and the consensus was that all three systems should be compatible. Next Tuesday the School Committee will be reviewing detailed drawings of the middle school at their meeting. The same evening there will be a 3-D computerized walk through of the middle school. When questioned, Mr. Yazbak noted that the funding for the security system at the middle school would come from the middle

school bond and the funding for the high school and the elementary school would come from a prior bond which has an approximate balance of \$300,000.

INDUSTRIAL DEVELOPMENT COMMISSION MINUTES

MOTION by Mr. Zwolenski, seconded by Mrs. Thibault, and voted unanimously on an aye vote to accept and place on file the minutes of October 23, 2006.

PUBLIC SAFETY COMMISSION MINUTES

MOTION by Mr. Zwolenski, seconded by Mrs. Thibault, and voted unanimously on an aye vote to accept and place on file the minutes of October 25, 2006.

SEWER COMMISSION MINUTES

MOTION by Mr. Zwolenski, seconded by Mrs. Thibault, and voted unanimously on an aye vote to accept and place on file the minutes of September 13 and October 11, 2006.

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DRAINLAYER'S LICENSE – D. DIFFLEY

MOTION by Mr. Zwolenski, seconded by Mrs. Thibault, and voted unanimously on an aye vote to table this to the January 2nd meeting

since no one was present.

VICTUALING, HOLIDAY SALES & SEASONAL LICENSES – HOMESTEAD GROUP

MOTION by Mr. Zwolenski, seconded by Mrs. Thibault, and voted unanimously on an aye vote to approve these licenses and to waive the fees.

CLASS BV LIQUOR LICENSE TRANSFER, VICTUALING AND ENTERTAINMENT LICENSES – RILEY’S RESTAURANT LLC

MOTION by Mr. Yazbak, seconded by Mrs. Thibault, and voted unanimously on an aye vote to approve the transfer of the BV liquor license from Sheila Marie’s Restaurant to Riley’s Restaurant LLC and victualing and entertainment licenses as well to become effective December 1, 2006.

RENEWAL OF YEARLY LICENSES

Liquor Licenses – Class BV

MOTION by Mrs. Thibault, seconded by Mrs. Flaherty, and voted 4 to 0 on an aye vote to renew the licenses of the following: Gator’s Pub; Littlefield’s Inc.; Pinelli’s Cucina Inc./The Grille; The Pines Inc.; Roast House/CAF Inc.; Village Haven/VH Inc. Mr. Yazbak abstained since one of the establishments is a client.

Liquor Licenses – Class A

MOTION by Mrs. Thibault and seconded by Mrs. Flaherty and Mr.

Zwolenski to approve the following licenses: Douglas Wine & Spirits North Smithfield Inc. and Town and Country Liquors Inc.

Mr. Hadden noted there is a violation pending against Town and Country Liquors and a hearing date will need to be set for that. He suggested that their license be issued conditionally pending the outcome of the hearing.

The motion was withdrawn by Mrs. Thibault as were the seconds.

MOTION by Mrs. Thibault, seconded by Mrs. Flaherty, and voted unanimously on an aye vote to renew the license of Douglas Wine & Spirits North Smithfield Inc.

MOTION by Mrs. Thibault, seconded by Mrs. Flaherty, and voted unanimously on an aye vote to renew the license of Town and Country Liquors contingent upon an investigation into the charges lodged against it.

Liquor Licenses – Class BVL

MOTION by Mrs. Thibault, seconded by Mrs. Flaherty and Mr. Zwolenski, and voted unanimously on an aye vote to renew the following licenses: Hercules Pizza/L & M Food Service Inc. and Mezza Luna Pizzeria Inc.

Liquor Licenses – Class D

MOTION by Mrs. Thibault, seconded by Mrs. Flaherty, and voted unanimously on an aye vote to renew the following licenses: North Smithfield Fly Fishing Club Inc./The Island; Sayles Hill Rod & Gun Club; VFW #6342 Leclair Kozlik Logan & Bassett; and Villa at Saint Antoine/Frassati Residence.

Victualing Licenses

MOTION by Mrs. Thibault, seconded by Mr. Zwolenski, and voted 4 to 0 on an aye vote to renew the following licenses: Beef Barn Inc.; Burger King #3667/Jan Co Central Inc.; Cagney Food Services; Coffee & Cream Inc./3 Greenville Rd.; Coffee & Cream Inc./Rte. 146 South Side; Cumberland Farms Inc. #1274; Dunkin' Donuts/Slate Donuts Inc.; Firehouse Pizza Shop II Inc.; Gator's Pub/T.D.M. Enterprises Inc.; Hercules Pizza/L & M Food Service Inc.; Homestead Group/Homestead Gardens/More Than a Scoop; Kennedy's Lunch/KAC Lunch Co. Inc.; Littlefield's Inc.; McDonald's Restaurant/Napoli Management Co./RL Curtis Co. LLC; Mezza Luna Pizzeria Inc.; North Smithfield Fly Fishing Club Inc./The Island; Pinelli's Cucina Inc./The Grille; The Pines Inc.; Roast House/CAF Inc.; Rustic Tri-View Drive-In Theatre Inc./CBB Enterprises Inc.; Sayles Hill Rod & Gun Club; Subway Store #33289

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d/b/a Feather LLC; Super Stop & Shop/Stop & Shop Supermarket Co.; VFW #6342 Leclair Kozlik Logan & Bassett; Villa at Saint

Antoine/Frassati Residence; Village Haven/VH Inc.; Wendy's Old Fashioned Hamburgers; and Wright's Dairy Farm Inc. Mr. Yazbak abstained because one or more of the establishments is a client.

Holiday Sales Licenses

MOTION by Mrs. Thibault, seconded by Mrs. Flaherty, and voted 4 to 0 on an aye vote to approve the following licenses: Blockbuster Video/Northeast Mgmt. Inc.; Brigido's IGA Marketplace/Augusto Inc.; Brooks Drug #680/Maxi Drug South LP; Classic Jewelry Inc.; Coffee & Cream Inc./3 Greenville Rd.; Country Clutter Primitives; Creatures, Creatures, Creatures Inc.; Cumberland Farms Inc. #1274; Dunkin' Donuts/Slate Donuts Inc.; Farm Stand Antiques; Fun in the Sun Pools & Spas; Hockey Dog Inc.; Homestead Group/Homestead Gardens/The General Store; Joan's Antiques; Laser Wars; Leeway Inc.; Lil General Store #9/Great Road General Inc.; Monkey Shack Arcade; Mundy's Flower Shop/Freedom At Last Inc.; North Smithfield Convenience & Deli; Pearl's Candy & Nuts/Certified Candy & Nuts Inc.; Quik Stop Deli Inc.; Redbox Automated Retail LLC; Sam's Food Store; Ski Shop Plus Inc.; Smithfield Mobil Inc.; Stalefish Skate & Snow/Monday Enterprises; Subway Store #33289 d/b/a Feather LLC; Super Stop & Shop/Stop & Shop Supermarket Co.; Travelin-Time Inc.; and Wright's Dairy Farm Inc. Mr. Yazbak abstained because one or more of the establishments is a client.

Entertainment Licenses

MOTION by Mrs. Thibault, seconded by Mrs. Flaherty, and voted 4 to 0

on an aye vote to approve the following licenses: Gator's Pub/T.D.M. Enterprises Inc.; North Smithfield Fly Fishing Club Inc./The Island; and Villa at Saint Antoine/Frassati Residence. Mr. Yazbak abstained because one of the establishments is a client.

Ice Skating Rink License

MOTION by Mrs. Thibault, seconded by Mrs. Flaherty, and voted unanimously on an aye vote to approve the following license: R I Sports Center Inc.

Bingo Licenses

MOTION by Mrs. Thibault, seconded by Mrs. Flaherty, and voted unanimously on an aye vote to approve the following licenses and to waive the fees: Deerfield Commons Bingo and Gatewood Apts.

Coin Op Pool Tables

MOTION by Mrs. Thibault, seconded by Mrs. Flaherty, and voted 4 to 0 on an aye vote to approve the following licenses: Avalon Entertainment LLC; Littlefield's Inc.; Sayles Hill Rod & Gun Club; and VFW #6342 Leclair Kozlik Logan & Bassett. Mr. Yazbak abstained because one of the establishments is a client.

Coin Op Mechanical Devices

MOTION by Mrs. Thibault, seconded by Mrs. Flaherty, and voted 4 to 0 on an aye vote to approve the following licenses: Avalon Entertainment LLC; Firehouse Pizza Shop II Inc.; Littlefield's Inc.;

Monkey Shack Arcade; R I Sports Center Inc.; and VFW #6342 Leclair Kozlik Logan & Bassett. Mr. Yazbak abstained because one of the establishments is a client.

Coin Op Jukebox

MOTION by Mrs. Thibault, seconded by Mrs. Flaherty, and voted 4 to 0 on an aye vote to approve the following licenses: Avalon Entertainment LLC; Littlefield's Inc.; Mezza Luna Pizzeria Inc.; North Smithfield Fly Fishing Club Inc./The Island; and VFW #6342 Leclair Kozlik Logan & Bassett. Mr. Yazbak abstained because one of the establishments is a client.

Theatre License

MOTION by Mrs. Thibault, seconded by Mrs. Flaherty, and voted unanimously on an aye vote to approve the following license: Rustic Tri-View Drive-In Theatre Inc./CBB Enterprises Inc.

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Board Cats & Dog Licenses

MOTION by Mrs. Thibault, seconded by Mr. Zwolenski, and voted 4 to 0 on an aye vote to approve the following licenses: Cozy Quarters Pet Inn Inc. and Hi on a Hill Kennel. Mr. Yazbak abstained because one of the establishments is a client.

Dry Cleaners License

MOTION by Mrs. Thibault, seconded by Mrs. Flaherty, and voted unanimously on an aye vote to approve the following license: Personal Touch Cleaners.

Motel Licenses

MOTION by Mrs. Thibault, seconded by Mrs. Flaherty, and voted unanimously on an aye vote to approve the following licenses: DR Motel Enterprises Inc./Traveler's Motor Lodge and Hilltop Inn.

Flea Market License

MOTION by Mrs. Thibault, seconded by Mrs. Flaherty, and voted unanimously on an aye vote to approve the following license: Northern RI Flea Market.

Junkyard Used Auto Parts Licenses

MOTION by Mrs. Thibault, seconded by Mrs. Flaherty, and voted unanimously on an aye vote to approve the following licenses: Bernard's Auto Salvage Inc.; Leo's Auto Parts; North Smithfield Auto Recycling Inc.; and Northeast Auto Recycling Inc.

Secondhand Dealers Licenses

MOTION by Mrs. Thibault, seconded by Mrs. Flaherty, and voted unanimously on an aye vote to approve the following licenses: Farm Stand Antiques and Joan's Antiques.

Detective Licenses

MOTION by Mrs. Thibault, seconded by Mrs. Flaherty, and voted unanimously on an aye vote to approve the following licenses: Biron Investigations; Cardone, Richard d/b/a Cardone, Rick & Associates Private Detective Services; Jalette, Maurice H. d/b/a MHJ Investigations; and O'Leary, Lawrence R. Jr./A B C O Investigator.

Drainlayer's Licenses

MOTION by Mrs. Thibault, seconded by Mrs. Flaherty, and voted unanimously on an aye vote to approve the following licenses: Adler Brothers Construction Inc.; Allard Construction Co. Inc.; D'Angelo Brothers Construction; Giguere & Marchand Oil Service Inc.; Narragansett Improvement Co; O'Keefe Trucking & Equipment Inc.; P P C Corp.; Ricci Drain-Laying Co. Inc.; and Smithfield Peat Co. Inc.

MOTION by Mrs. Thibault, seconded by Mrs. Flaherty, and voted unanimously on an aye vote at 10:30 P.M. to extend the meeting an additional 15 minutes.

LIZ DEVELOPMENT

Mr. Lowe informed the Council that the contractor is in the process of grading the road. The pressure tests have passed and within the next week the roads should be paved.

Public Works Director Raymond Pendergast added that this will be a

base coat. Final paving will be done in the spring.

MOTION by Mr. Yazbak, seconded by Mr. Zwolenski, and voted unanimously on an aye vote that the Council president converse with the Town Administrator and the Public Works Director and if the paving is not on schedule by December 1, 2006 or Monday or Tuesday of the following week at the latest, the Council president will call a special meeting to give authorization to draft a letter to the bonding company.

NOISE CREATED BY ROCK BREAKING MACHINE – DOUGLAS PIKE
Ms. Marilyn Donatelli of Providence Pike complained that for three summers now Mr. Frank DiCenzo of Farnum Pike has been using a pneumatic rock breaking machine on Saturdays creating a noise disturbance. She suggested wrapping some acoustic equipment around the machine to dull the noise and ending the rock breaking at noon on Saturdays. Mr. DiCenzo has not been receptive.

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Building Inspector Robert Benoit explained that Mr. DiCenzo has operated this pre-existing business since the late 1950s and is grandfathered in to the zoning laws. He has spoken with Mr. DiCenzo asking him to be a good neighbor and stop at noon on Saturdays. Mr. DiCenzo agreed to do so but has not. Mr. Benoit was at a loss as to how to make him stop.

Mr. Guy Denizard stated that the operation may be grandfathered but the noise is not.

MOTION by Mrs. Thibault, seconded by Mr. Zwolenski, and voted unanimously on an aye vote at 10:50 P.M. to extend the meeting to 11:00 P.M.

MOTION by Mrs. Thibault, seconded by Mrs. Flaherty, and voted unanimously on an aye vote to ask the Town Solicitor to investigate this noise as far as a state law that could be applied to this situation.

HIRING POLICIES

Mrs. Thibault stated there have been issues recently about the town's hiring policies and she requested the Administrator take a look at the town's policies and procedures in order to move forward.

Mr. Lowe responded that he does have a plan. He has followed the practices of the past 15 years. There is a position open in the Parks and Recreation department and Mr. Lowe will be meeting with the Personnel Board tomorrow regarding that position.

Both Mr. Lowe and Mrs. Gemma explained the methods they have used in hiring new employees during the past two years. Neither intended to engage in any type of fraudulent practice.

Mrs. Thibault suggested that Mr. Lowe use the Personnel Board to look at the whole Chapter 13 and make recommendations for clarifying the process.

**FUTURE TOWN PLANNING – INVESTIGATION OF NEW TOWN HIRES
– RECALL PROVISION – SCHOOL BUDGET REFORM**

Mr. Ernest Alter had requested that these items be placed on the agenda but, due to the lateness of the hour, he asked they be tabled to the next meeting.

MOTION by Mrs. Thibault, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to table these items to the January 2, 2007 meeting.

COMMUNICATIONS

MOTION by Mr. Yazbak, seconded by Mrs. Thibault, and voted unanimously on an aye vote to place on file the following items: A.) NSF&RS Monthly Incident report; B.) Animal Control Monthly report; C.) Resolutions Opposing State Referendum Question #1 – Casino Gambling from the towns of East Greenwich, Barrington and Exeter; D.) Resolution in Support of State Referendum Question #9 – Affordable Housing from towns of South Kingstown and Barrington; E.) Resolution in Support of State Referendum Question #4 – Higher Education Bonds from the town of South Kingstown; and F.) Resolution Seeking Repeal of RI Special Education Laws from the city of East Providence.

MOTION by Mrs. Thibault, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to adjourn at 11:15 P.M.

Respectfully submitted,

Debra A. Todd, Town Clerk